Application Number	10/725,577	R	pplicant(s)/Patent eexamination UZUKI ET AL.	under				
Document Code - DISQ		Internal Document – DO NOT MAIL						
TERMINAL DISCLAIMER	⊠ APPROVED		☐ DISAPPROVED					
Date Filed : July 5, 2007	This patent is subject to a Terminal Disclaimer							
Approved/Disapproved by:								
Henry D. Jefferson	<u> </u>							

U.S. Patent and Trademark Office

Docket No.: 1081.1186

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Manabu SUZUKI, et al.

Serial No. 10/725,577

Group Art Unit: 2613

Confirmation No. 3453

Filed: December 3, 2003

Examiner: David S. Kim

GAIN SETTING METHOD IN WAVELENGTH DIVISION MULTIPLEX

TRANSMISSION EQUIPMENT

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION (37 C.F.R, 1.321(C))

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

INTEREST AND TITLE OF PERSON MAKING THIS TERMINAL DISCLAIMER

I, H. J. Staas, represent that I am the attorney of record for this application and am authorized to sign on behalf of the Assignee.

IDENTITY OF ASSIGNEE

The Assignee is Fujitsu Limited, a corporation organized and existing under the laws of Japan, and having its office and principal place of business at 1-1, Kamikodanaka, 4-chome, Nakahara-ku, Kawasaki-shi, Kanagawa 211-8588, Japan.

Pursuant to Rule 3.73(b), the Assignee is the current owner of the subject application pursuant to the Assignment identified below.

RECORD OF ASSIGNMENT IN PTO

The assignment of the above-referenced application was recorded on December 3, 2003 at Reel 014756, Frame 0422.

COMMON OWNERSHIP OF U.S. PATENT NO. 7,002,734

Pursuant to Rule 3.73(b), the Assignee is the current owner of the subject application pursuant to the Assignment identified above. Assignee further confirms that it remains the owner of U.S. Patent No. 7,002,734, consistent with the indication of the Assignee on the face thereof.

CERTIFICATION OF TITLE

The evidentiary documents have been reviewed and the undersigned certifies that, to the best of said Assignee's knowledge and belief, title of the above-identified application and U.S. Patent No. 7,002,734 is in the said Assignee.

TERMINAL DISCLAIMER

Assignee hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 7,002,734, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to Patent No. 7,002,734, the agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as defined in 35 USC 154 to 158 and 173 of the Patent No. 7,002,734 as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R § 1.321(a), has all claims canceled by a re-examination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned hereby declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FEE

The requisite disclaimer fee under 37 C.F.R. §1.20(d) of \$130.00 is enclosed herewith.

STAAS & HALSEY LLP

By:

Registration No. 22,010

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			10-Jul-07	APPL. S. N:	10725577					
To Exam	iner:		KIM, DAVID	Art Unit	2613					
From			Logan, Rugenia PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68					
SUBJEC	T: Decisio	n on Tei	rminal Disclaimer(T.D.) filed:							
form par or have a	agraphs i any quest	dentified	l by this informal memo in your ne ease see me or the Special Progran	e results as set forth below. If you a ext Office action to notify applicant on Examiner. THIS IS AN INFORMAL, OF RECORD IN THE APPLICATION I	of the T.D. If you disagree					
please in	itial, date	and ret	urn this memo to me. THANK YOU	ı .						
I	The T.D.	T.D. is PROPER and has been recorded (see 14.23).								
	The T.D.	T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):								
		The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account								
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).								
	Γ	The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).								
	Γ	The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).								
		The person who signed the T.D.:								
			is not an attorney "of record" (s	ee 14.29 and 14.29.01).						
			has failed to state his/her capac	ity to sign for the business entity (s	ee 14.28).					
			is not recognized as an officer of	f the assignee (see 14.29 & possible	2 14.29.02).					
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).								
The T.D. is not			o. is not signed (see 14.26 & 14.26	5.03).						
	Γ	The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).								
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).								
		The per	iod disclaimed is incorrect or not s	specified (see 14.26, 14.27.02 or 14	3.26.03).					
		Other:								
		Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.								
I have ap	propriate			e Terminal Disclaimer filed in this ca	se.					
Ex.Initial	s:		_ Date:		Log Date:					